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101ST CONGRESS
2d Session

SENATE

REPORT
101-418

PROVIDING FOR INCREASES IN APPROPRIATION CEILINGS FOR LAND ACQUISITION AND DEVELOPMENT IN CERTAIN UNITS OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES

AUGUST 3 (legislative day, JULY 10), 1990.—Ordered to be printed

---

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2669]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2669) to provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, lines 5, 9, and 18 strike the word "is" and insert in lieu thereof "as amended, is further".

2. On page 2, line 19, strike " '$22,223,000' " and insert in lieu thereof, " '$29,463,000' ".

PURPOSE OF THE MEASURE

The purpose of S. 2669, as ordered reported, is to increase the limitations on appropriations for land acquisition and development purposes at several units of the Naticnal Park System.

BACKGROUND AND NEED

S. 2669, as ordered reported, amends the enabling legislation for five units of the National Park System to increase the ceiling on appropriations for land acquisition or development purposes by an amount sufficient to accommodate current projected needs. The legislation was introduced at the request of the Administration.

Increases in land acquisition ceilings are necessary at three parks: Channel Islands National Park in California, Chesapeake and Ohio National Historical Park in Maryland and the District of Columbia, and Cumberland Island National Seashore in Georgia.

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Increases in development ceilings are necessary at two parks. At Cuyahoga Valley National Recreation Area in Ohio, an increase of $9,223,000 is needed to allow for the completion of two construction projects, the rehabilitation of utilities at the Kendall Unit, and the waste removal, filling and restoration of the Jrejci toxic waste site. At Kalaupapa National Historical Park in Hawaii, an increase of $3,190,000 is needed to complete replacement of water distribution lines, which pose a serious threat to visitor health and safety.

LEGISLATIVE HISTORY

S. 2669 was introduced by Senator Johnston at the requst of the Administration on May 22, 1990. The Subcommittee held a hearing on the bill on June 26, 1990.

At the business meeting on July 18, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2669, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 18, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2669, if amended as described herein.

The roll call vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin	
Mr. Rockefeller	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici	
Mr. Wallop*	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn*	
Mr. McConnell	

*Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 2669, the Committee adopted a technical amendment, increasing the development ceiling at Cuyahoga Valley National Recreation Area from $22,223,000 to $29,463,000. The amendment reflects $7,240,000 already appropriated in fiscal year 1990.

SECTION-BY-SECTION ANALYSIS

Section 1 amends the enabling legislation to increase the land acquisition ceiling for three units of the National Park System: Channel Islands National Park, Chesapeake and Ohio National Historical Park, and Cumberland Island National Seashore.

Section 2 amends the enabling legislation to increase the development ceiling for two units of the National Park System: Cuyahoga National Recreation Area and Kalaupapa National Historical Park.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2669, a bill to provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park Service System.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2669.

2. Bill title: A bill to provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on July 25, 1990.

4. Bill purpose: S. 2669 would authorize $52.4 million of additional appropriations for five units of the National Park System. Section 1 of the bill would increase existing land acquisition ceilings at three parks by a total of $32.8 million. Under Section 2, development ceilings at two parks would be increased by a total of $19.6 million.

Of the total increase $12 million would be applied to previous years' appropriations that had exceeded authorized levels. The remaining $40.4 million would authorize additional appropriations requested in the President's fiscal year 1991 budget submission.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Net additional authorization	40.4				
Estimated outlays	16.3	19.1	5.0		

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, CBO has assumed that S. 2669 will be enacted by early in fiscal year 1991 and that the entire amounts authorized will be appropriated for that year.

Outlays have been estimated on the basis of information provided by the National Park Service.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2669. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2669, as reported.

Executive Communications

The transmittal letter from the Assistant Secretary for Fish and Wildlife and Parks to the President of the Senate requesting introduction of the bill and the testimony provided by the National Park Service at the Subcommittee hearing on S. 2669 follow:

Department of the Interior,
Office of the Secretary,
Washington, DC, May 4, 1990.

Hon. J. Danforth Quayle,
President of the Senate,
Washington, DC.

Dear Mr. President: Enclosed is a draft bill, "To provide for increases in appropriations ceilings for land acquisition and development in certain units of the National Park System, and for other purposes."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

The President's budget estimate for fiscal year 1991 for the National Park Service includes funds for land acquisition at three

units of the National Park System and for development at two units for the System which exceed statutory limitations on appropriations for these purposes. Such limitations are contained in the enabling legislation for each unit. The enclosed draft bill would amend each enabling act to increase the appropriation limitation by an amount sufficient to accommodate the budget estimate.

Acquisition ceiling increases are recommended for three areas. At Channel Islands National Park in California, an increase of $18,840,000 is needed to accommodate $4,340,000 already appropriated over the current ceiling (under authority of P.L. 95-42) and $14,500,000 in the fiscal year 1991 budget. At Chesapeake and Ohio National Historical Park, Maryland and the District of Columbia, an increase of $6,340,226 is needed to accommodate $7 million in the fiscal year 1991 budget ($659,774 remains unappropriated under the existing ceiling). At Cumberland Island National Seashore in Georgia, an increase of $7,579,500 is needed to accommodate $10 million in the fiscal year 1991 budget ($2,420,500 remains unappropriated under the existing ceiling).

Development ceiling increases are recommended for two areas. At Cyahoga Valley National Recreation Area, Ohio, an increase of $9,223,000 is needed to accommodate $915,000 already appropriated over the current ceiling and $8,308,000 in the fiscal year 1991 budget for completion of two construction projects, the rehabilitation of utilities at the Kendall Unit ($1,508,000) and waste removal, filling, and restoration of the Krejci toxic waste site ($6,800,000).

At Kalaupapa National Historical Park, Hawaii, an increase of $3,190,000 is needed to accommodate $3,510,000 in the fiscal year 1991 budget ($320,000 remains unappropriated under the existing ceiling). This will complete replacement of the old water distribution lines, which are a health risk and a fire hazard.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely,

CONSTANCE B. HARRIMAN,
Assistant Secretary.

Enclosure.

A BILL to provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION CEILING INCREASES.

The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

(a) Channel Islands National Park, California: section 208 of the Act of March 15, 1980 (94 Stat. 77) is amended by striking out "$30,100,000" and inserting in lieu thereof "$48,940,000";

(b) Chesapeake and Ohio Canal National Historical Park, Maryland and District of Columbia: section 8(b) of the Act of January 8, 1971 (84 Stat. 1980) is amended by striking out "$28,400,000" and inserting in lieu thereof "$34,740,226"; and

(c) Cumberland Island National Seashore, Georgia: section 10 of the Act of October 23, 1972 (86 Stat. 1068) is amended by striking out "$28,500,000" and inserting in lieu thereof "$36,079,500".

SEC. 2. DEVELOPMENT CEILING INCREASES.

The limitations on appropriations for development of units of the National Park System contained in the following Acts are amended as follows:

(a) Cuyahoga Valley National Recreation Area, Ohio: section 6(b) of the Act of December 27, 1974 (88 Stat. 1788) is amended by striking out "$13,000,000" and inserting in lieu thereof "$22,223,000"; and

(b) Kalaupapa National Historical Park, Hawaii: Section 110 of the Act of December 22, 1980 (94 Stat. 3324) is amended by striking out "$1,000,000" and inserting in lieu thereof "4,190,000".

SECTION-BY-SECTION ANALYSIS

Section 1. Acquisition ceiling increases. Amends statutory limitations on appropriations for land acquisition in following National Park System areas:

(a) Channel Islands National Park, CA: from $30,100,000 to $48,940,000;

(b) Chesapeake and Ohio Canal National Historical Park, MD–DC: from $28,400,000 to $34,740,226; and

(c) Cumberland Island National Seashore, GA: from $28,500,000 to $36,079,500.

SEC. 2. Development ceiling increases. Amends statutory limitations on appropriations for development in following National Park System areas:

(a) Cuyahoga Valley National Recreation Area, OH: from $13,000,000 to $22,223,000; and

(b) Kalaupapa National Historical Park, HI: from $1,000,000 to $4,190,000.

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on S. 2669.

We recommend the enactment of the bill. It is identical to the draft legislation submitted to the Congress by Assistant Secretary Harriman on May 4 of this year. We further recommend an amendment to correct an error in the amount of the new development ceiling for one of the parks referred to in the bill.

The President's budget for fiscal year 1991 recommends the appropriation of funds for land acquisition and devel-

opment which exceed the statutory ceilings on such appropriations at five units of the National Park System. Although Congress could appropriate funds in excess of a ceiling fixed by statute, as a technical matter such appropriations could be viewed as being made without the necessary authorization. Accordingly, the bill submitted by the Department, and introduced as S. 2669, would increase these statutory ceilings by amounts necessary to authorize the appropriations requested in the President's budget.

Assistant Secretary Harriman's transmittal letter of May 4 sets forth in detail the amounts in the budget and the new ceiling proposed in the legislation. Briefly, the 1991 budget requests appropriations at the following park units, for which an increase in the ceiling is proposed:

Fiscal year 1991 budget

Land acquisition:	
Channel Islands National Park, CA	$14,500,000
C&O Canal National Historical Park, MD-DC	7,000,000
Cumberland Island National Seashore, GA	10,000,000
Development:	
Cuyahoga Valley National Recreation Area, OH	8,308,000
Kalaupapa National Historical Park, HI	3,510,000

Mr. Chairman, each of these parks was authorized years ago, and estimates of future land and development costs are very difficult to make with complete accuracy. Ceilings adopted at the time of authorization are, as your Committee is aware, amended frequently to provide the technical authorization of funds needed to continue land acquisition and development in authorized park areas. We recommend that the Congress do so for these five parks as well.

Mr. Chairman, when the legislation was prepared, it incorrectly proposed a new development ceiling for Cuyahoga Valley National Recreation Area. The new ceiling did not take into account $7,240,000 already appropriated in fiscal 1990. Accordingly, the figure on page 2, line 19 of S. 2669 should be $29,463,000. We regret this oversight, and recommend that the bill be amended to incorporate the correct figure.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to answer any questions you may have.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2669, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AN ACT To establish the Channel Islands National Park, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:

(a) Section 318, re: Point Reyes National Seashore is amended by:

* * * * * * *

SEC. 208. The Secretary is authorized to expend Federal funds for the cooperative management of The Nature Conservancy and other private property for research, resources management, and visitor protection and use. All funds authorized to be appropriated for the purposes of the Channel Islands National Monument are hereby transferred to the Channel Islands National Park. Effective October 1, 1980, there are hereby authorized to be appropriated such further sums as may be necessary to carry out the purposes of this title, but not to exceed $500,000 for development. From the Land and Water Conservation Fund there is authorized to be appropriated [$30,100,000] *$48,940,000* for the purposes of land acquisition. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

AN ACT To establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Chesapeake and Ohio Canal Development Act".

* * * * * * *

SEC. 8. (a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 410y to 410y-6 of this title, not to exceed [$28,400,000] *$34,740,266* for land acquisition and not to exceed $17,000,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

AN ACT To establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS-40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service,

Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may after notifying the Committee on Interior and Insular Affairs of the United States House of Representatives and United States Senate in writing, make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries shall not exceed forty thousand five hundred acres.

* * * * * * *

SEC. 10. There are authorized to be appropriated not to exceed [$28,500,000] *$36,079,500* for the acquisition of lands and interests inlands and not to exceed $27,840,000 for development of the seashore.

AN ACT To provide for the establishment of the Cuyahoga Valley National Recreation Area

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE

SECTION 1. For the purpose of preserving and protecting for public use and enjoyment, the historic, scenic, natural, and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Cuyahoga Valley National Recreational Area, hereafter referred to as the "recreational area", shall be established within six months after the date of enactment of this Act. In the management of the recreation area, the Secretary of the Interior (hereafter referred to as the "Secretary") shall utilize the recreational area resources in a manner which will preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public.

* * * * * * *

SEC. 6. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $34,500,000 for the acquisition of lands and interests in lands.

(b) For the development of the recreational area, including improvements of properties acquired for purposes of sections 460ff to 460ff-5 of this title, there is authorized to be appropriated not more than [$13,000,000] *$29,463,000.* Within one year from the date of establishment of the recreation area pursuant to sections 460ff to 460ff-5 of this title, the Secretary shall, after consulting with the Governor of the State of Ohio, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the recreation area consistent with the objectives of sections 460ff to 460ff-5 of this title, indicating:

* * * * * * *

AN ACT To establish the Kalaupapa National Historical Park in the Senate of Hawaii, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. In order to provide for the preservation of the unique nationally and internationally significant cultural, historic, educational, and scenic resources of the Kalaupapa settlement on the island of Molokai in the State of Hawaii, there is hereby established the Kalaupapa National Historical Park (hereinafter referred to as the "park").

* * * * * * *

SEC. 110. Effective October 1, 1981, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title but not to exceed $2,500,000 for acquisition of lands and interests in lands and **[**$1,000,000**]** *$4,190,000* for development.

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